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SENATE BILL 603 By  
Cooper

HOUSE BILL 670  
By Kisber

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 1, relative to the health facilities commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-106(a), is amended by deleting subdivision (4) in its entirety and by substituting instead the following language:

(4) Initiation of any of the following health care services: air ambulance service, burn unit, neonatal intensive care unit, open heart surgery, extracorporeal lithotripsy, magnetic resonance imaging, cardiac catheterization, linear accelerator, positron emission tomography, swing beds, home health, hospice, outpatient surgery (not including outpatient surgery in a physician's office not licensed as an ambulatory surgical treatment center), psychiatric, rehabilitation or hospital-based alcohol and drug treatment for adolescents provided under a systematic program of care longer than thirty (30) days, or methadone treatment provided through a facility licensed as a non-residential methadone treatment facility. The provisions of this subdivision shall not apply to the initiation of linear accelerator services by a general acute care hospital with three hundred (300) or more licensed beds, including beds licensed for mental health and skilled nursing services; provided, that coinciding with the initiation of linear

accelerator services, such hospital or affiliate thereof ceases to provide linear accelerator services at another location within the same metropolitan statistical area;

SECTION 2. Tennessee Code Annotated, Section 68-11-109(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following language:

(1) Within forty-five (45) days from the date of the commission's meeting at which action was taken on an application, the applicant, any health care institution that filed a written objection in accordance with Section 68-11-108(h)(1), or any other person who objected to the application pursuant to Section 68-11-108(h)(2) may petition the commission in writing for a hearing, in the case of a commission approval or denial of an application. Notwithstanding any other provision of law, all persons are and shall be barred from filing any petition for a contested case hearing after such forty-five (45) day period, and the commission shall have no jurisdiction to consider any late-filed petition. Upon receipt of a timely petition, the commission shall initiate a contested case proceeding and hold a hearing to consider the issues raised by the petitioning party.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.